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3
4 Patrick McMahon, WSBA #18809
5 Attorneys for Defendants
6 Carlson & McMahon, PLLC
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13 THE HONORABLE MARY K. DIMKE
14

15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF WASHINGTON
17

18 Estate of JOSEPH ALEXANDER VERVILLE,
19 deceased, by and through Joshua Brothers as a
20 Personal Representative, ABIGAIL SNYDER,
21 individually, and JAN VERVILLE,
22 individually,

23 Plaintiffs,

24 v.

25 CHELAN COUNTY, Washington, a municipal
26 corporation d/b/a CHELAN COUNTY
27 REGIONAL JUSTICE CENTER;
28 CHRISTOPHER SHARP; and KAMI
29 ALDRICH, L.P.N.

30 Defendants.

No. 2:24-cv-00010-MKD

DEFENDANTS' ANSWER *and*
AFFIRMATIVE DEFENSES
TO PLAINTIFFS' SECOND
AMENDED COMPLAINT [ECF
22] *and* DEMAND FOR JURY

DEFENDANTS' ANSWER *and*
AFFIRMATIVE DEFENSES
TO PLAINTIFFS' SECOND AMENDED
COMPLAINT - Page 1

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1 COME NOW Defendants, hereinafter referred to as “this Defendant”, by
2 and through their attorney of record, Patrick McMahon of Carlson & McMahon,
3 PLLC, and hereby submit their Answer to the Plaintiffs’ Second Amended
4 Complaint [ECF 22] as follows:

5
6 **I. INTRODUCTION**
7
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9 1. This Paragraph does not require a response from this Defendant. To
10 the extent a response is required, this Defendant denies Paragraph 1 of Plaintiffs’
11 Second Amended Complaint in its entirety.

12 2. This Defendant admits that Plaintiff Verville was accepted into
13 Chelan County Regional Justice Center (“CCRJC”) on September 5, 2021. This
14 Defendant having insufficient information to either admit or deny the remainder
15 of the allegations contained in Paragraph 2 of Plaintiffs’ Second Amended
16 Complaint, denies the same.

17 3. This Paragraph states a legal conclusion for which no response is
18 required. To the extent a response is required, this Defendant denies Paragraph 3
19 of Plaintiffs’ Second Amended Complaint.

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21 **II. PARTIES**
22
23
24
25

1 4. This Defendant having insufficient information to either admit or
2 deny the allegations contained in Paragraph 4 of Plaintiffs' Second Amended
3 Complaint, denies the same.
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6 5. This Defendant having insufficient information to either admit or
7 deny the allegations contained in Paragraph 5 of Plaintiffs' Second Amended
8 Complaint, denies the same.
9
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11 6. This Defendant having insufficient information to either admit or
12 deny the allegations contained in Paragraph 6 of Plaintiffs' Second Amended
13 Complaint, denies the same.
14
15

16 7. This Defendant admits that Defendant Chelan County is a
17 municipality located in the State of Washington. This Defendant further admits
18 Chelan County maintains and operates the Chelan County Regional Justice
19 Center (CCRJC), and admits that the CCRJC is located in Wenatchee,
20 Washington and houses and confines both pretrial detainees as well as convicted
21 prisoners. This Defendant admits the Jail has the capacity for 267 persons. This
22 Defendant having insufficient information to either admit or deny the population
23 and geographical area as set forth in Paragraph 7 of Plaintiffs' Second Amended
24 Complaint, denies the same. The remainder of Paragraph 7 states a legal
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¹ conclusion to which no response is required. To the extent a response is required,
²
³ this Defendant denies the remainder of the allegations contained in Paragraph 7.

4
5 8. This Defendant denies Paragraph 8 of Plaintiffs' Second Amended
6 Complaint.

8 9. This Defendant having insufficient information to either admit or
9 deny the allegations contained in admits Paragraph 9 of Plaintiffs' Second
10
11 Amended Complaint, denies the same.

12 10. This Defendant admits that Defendant Christopher Sharp was at all
13 times relevant to this case the Director of Chief of CCRJC; however, this
14 Defendant having insufficient information to either admit or deny the remainder
15 of the allegations contained in Paragraph 10 of Plaintiffs' Second Amended
16 Complaint, denies the same.
17
18

**DEFENDANTS' ANSWER *and*
AFFIRMATIVE DEFENSES
TO PLAINTIFFS' SECOND AMENDED
COMPLAINT - Page 4**

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11. This Defendant admits that Defendant Kami Aldrich was at all times relevant to this case a Licensed Practical Nurse (LPN) employed by the County and working at CCRJC; however, this Defendant having insufficient information to either admit or deny the remainder of the allegations contained in Paragraph 11 of Plaintiffs' Second Amended Complaint, denies the same.

12. This Defendant admits Paragraph 12 of Plaintiffs' Second Amended Complaint.

II. JURISDICTION AND VENUE

(This Paragraph should be Paragraph III and is a typographical error by Plaintiff)

13. This Defendant admits that the Court has jurisdiction in this matter and that named Defendants live and/or did business in Washington; however, this Defendant denies any actions or omissions as alleged in this Paragraph 13 of Plaintiffs' Second Amended Complaint.

14. This Defendant admits that venue is proper as stated in Paragraph 14
of Plaintiffs' Second Amended Complaint.

III. STATEMENT OF FACTS

(This Paragraph should be Paragraph IV and is a typographical error by Plaintiff)

A. Jail Responsibilities Overview

1 15. This Paragraph 15 of Plaintiffs' Second Amended Complaint states a
2 legal conclusion to which no response is required. To the extent a response is
3 required, this Defendant denies this Paragraph in its entirety.
4
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6 16. This Defendant admits in Paragraph 16 of Plaintiffs' Second
7 Amended Complaint that intoxication and withdrawal are medical conditions that
8 can occur in jail, however, denies there was any failure to treat reasonably and
9 promptly, or that anyone was placed in grave danger.
10
11

12 17. This Paragraph 17 of Plaintiffs' Second Amended Complaint states
13 an opinion/legal conclusion to which no response is required by this Defendant.
14 To the extent a response is required, this Defendant denies the entirety of
15
16 Paragraph 17.
17
18

19 18. This Defendant in Paragraph 18 of Plaintiffs' Second Amended
20 Complaint denies breaching a duty to reasonably ensure the safety of those
21 confined in its jail, including those who are undergoing health complications.
22
23

24 19. This Defendant in Paragraph 19 of Plaintiffs' Second Amended
25 Complaint denies depriving Joseph of his constitutional rights.
26
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1 20. This Defendant having insufficient information to either admit or
2 deny the remainder of the allegations contained in Paragraph 20 of Plaintiffs'
3 Second Amended Complaint, denies the same.
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6 21. This Defendant having insufficient information to either admit or
7 deny the remainder of the allegations contained in Paragraph 21 of Plaintiffs'
8 Second Amended Complaint, denies the same.
9
10

11 22. This Defendant denies Paragraph 22 of Plaintiffs' Second Amended
12 Complaint.
13
14 **B. Joseph's Death at the Chelan County Jail**

15 23. This Defendant denies Paragraph 23 of Plaintiffs' Second Amended
16 Complaint.
17
18 24. This Defendant denies Paragraph 24 of Plaintiffs' Second Amended
19 Complaint.
20
21 25. This Defendant having insufficient information to either admit or
22 deny the remainder of the allegations contained in Paragraph 25 of Plaintiffs'
23 Second Amended Complaint, denies the same.
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25

26 26. This Paragraph 26 of Plaintiffs' Second Amended Complaint
27 contains a statement/legal conclusion to which no response is required from this
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29
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1 Defendant. To the extent a response is required, this Defendant denies Paragraph
2
3 26 in its entirety.

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5 27. This Paragraph 27 of Plaintiffs' Second Amended Complaint
6 contains a statement/legal conclusion to which no response is required from this
7 Defendant. To the extent a response is required, this Defendant denies Paragraph
8
9 27 in its entirety.

10
11 28. This Paragraph 28 of Plaintiffs' Second Amended Complaint
12 contains a statement/legal conclusion to which no response is required from this
13 Defendant. To the extent a response is required, this Defendant denies Paragraph
14
15 28 in its entirety.

16
17 29. This Defendant having insufficient information to either admit or
18 deny the remainder of the allegations contained in Paragraph 29 of Plaintiffs'
19
20 Second Amended Complaint, denies the same.

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22 30. This Defendant having insufficient information to either admit or
23 deny the remainder of the allegations contained in Paragraph 30 of Plaintiffs'
24
25 Second Amended Complaint, denies the same.

1 31. This Defendant having insufficient information to either admit or
2 deny the remainder of the allegations contained in Paragraph 31 of Plaintiffs'
3 Second Amended Complaint, denies the same.
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6 32. This Defendant having insufficient information to either admit or
7 deny the remainder of the allegations contained in Paragraph 32 of Plaintiffs'
8 Second Amended Complaint, denies the same.
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11 33. This Defendant having insufficient information to either admit or
12 deny the remainder of the allegations contained in Paragraph 33 of Plaintiffs'
13 Second Amended Complaint, denies the same.
14
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16 34. This Defendant having insufficient information to either admit or
17 deny the remainder of the allegations contained in Paragraph 34 of Plaintiffs'
18 Second Amended Complaint, denies the same.
19
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21 35. This Defendant having insufficient information to either admit or
22 deny the remainder of the allegations contained in Paragraph 35 of Plaintiffs'
23 Second Amended Complaint, denies the same.
24
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26 36. This Defendant having insufficient information to either admit or
27 deny the remainder of the allegations contained in Paragraph 36 of Plaintiffs'
28 Second Amended Complaint, denies the same.
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1 37. This Defendant having insufficient information to either admit or
2 deny the remainder of the allegations contained in Paragraph 37 of Plaintiffs'
3 Second Amended Complaint, denies the same.
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6 38. This Defendant having insufficient information to either admit or
7 deny the remainder of the allegations contained in Paragraph 38 of Plaintiffs'
8 Second Amended Complaint, denies the same.
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11 39. This Defendant having insufficient information to either admit or
12 deny the remainder of the allegations contained in Paragraph 39 of Plaintiffs'
13 Second Amended Complaint, denies the same.
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16 40. This Defendant having insufficient information to either admit or
17 deny the remainder of the allegations contained in Paragraph 40 of Plaintiffs'
18 Second Amended Complaint, denies the same.
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21 41. This Defendant having insufficient information to either admit or
22 deny the remainder of the allegations contained in Paragraph 41 of Plaintiffs'
23 Second Amended Complaint denies the same.
24
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26 42. This Defendant having insufficient information to either admit or
27 deny the remainder of the allegations contained in Paragraph 42 of Plaintiffs'
28 Second Amended Complaint, denies the same.
29
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1 43. This Defendant having insufficient information to either admit or
2 deny the remainder of the allegations contained in Paragraph 43 of Plaintiffs'
3 Second Amended Complaint, denies the same.
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6 44. This Defendant having insufficient information to either admit or
7 deny the remainder of the allegations contained in Paragraph 44 of Plaintiffs'
8 Second Amended Complaint, denies the same.
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11 45. This Defendant having insufficient information to either admit or
12 deny the remainder of the allegations contained in Paragraph 45 of Plaintiffs'
13 Second Amended Complaint, denies the same.
14
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16 46. This Defendant having insufficient information to either admit or
17 deny the remainder of the allegations contained in Paragraph 46 of Plaintiffs'
18 Second Amended Complaint, denies the same.
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21 47. This Defendant having insufficient information to either admit or
22 deny the remainder of the allegations contained in Paragraph 47 of Plaintiffs'
23 Second Amended Complaint, denies the same.
24
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26 48. This Defendant having insufficient information to either admit or
27 deny the remainder of the allegations contained in Paragraph 48 of Plaintiffs'
28 Second Amended Complaint, denies the same.
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1 49. This Defendant having insufficient information to either admit or
2 deny the remainder of the allegations contained in Paragraph 49 of Plaintiffs'
3 Second Amended Complaint, denies the same.
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6 50. This Defendant having insufficient information to either admit or
7 deny the remainder of the allegations contained in Paragraph 50 of Plaintiffs'
8 Second Amended Complaint, denies the same.
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11 51. This Defendant having insufficient information to either admit or
12 deny the remainder of the allegations contained in Paragraph 51 of Plaintiffs'
13 Second Amended Complaint, denies the same.
14
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16 52. This Defendant having insufficient information to either admit or
17 deny the remainder of the allegations contained in Paragraph 52 of Plaintiffs'
18 Second Amended Complaint, denies the same.
19
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21 53. This Defendant having insufficient information to either admit or
22 deny the remainder of the allegations contained in Paragraph 53 of Plaintiffs'
23 Second Amended Complaint, denies the same.
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26 54. This Defendant having insufficient information to either admit or
27 deny the remainder of the allegations contained in Paragraph 54 of Plaintiffs'
28 Second Amended Complaint, denies the same.
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1 55. This Defendant having insufficient information to either admit or
2 deny the remainder of the allegations contained in Paragraph 55 of Plaintiffs'
3 Second Amended Complaint, denies the same.
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6 56. This Defendant having insufficient information to either admit or
7 deny the remainder of the allegations contained in Paragraph 56 of Plaintiffs'
8 Second Amended Complaint, denies the same.
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11 57. This Defendant having insufficient information to either admit or
12 deny the remainder of the allegations contained in Paragraph 57 of Plaintiffs'
13 Second Amended Complaint, denies the same.
14
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16 58. This Defendant having insufficient information to either admit or
17 deny the remainder of the allegations contained in Paragraph 58 of Plaintiffs'
18 Second Amended Complaint, denies the same.
19
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21 59. This Defendant having insufficient information to either admit or
22 deny the remainder of the allegations contained in Paragraph 59 of Plaintiffs'
23 Second Amended Complaint, denies the same.
24
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26 60. This Defendant having insufficient information to either admit or
27 deny the remainder of the allegations contained in Paragraph 60 of Plaintiffs'
28 Second Amended Complaint, denies the same.
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1 61. This Defendant having insufficient information to either admit or
2 deny the remainder of the allegations contained in Paragraph 61 of Plaintiffs'
3 Second Amended Complaint, denies the same.
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6 62. This Defendant having insufficient information to either admit or
7 deny the remainder of the allegations contained in Paragraph 62 of Plaintiffs'
8 Second Amended Complaint, denies the same.
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11 63. This Defendant having insufficient information to either admit or
12 deny the remainder of the allegations contained in Paragraph 63 of Plaintiffs'
13 Second Amended Complaint, denies the same.
14
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16 64. This Defendant denies Paragraph 64 of Plaintiffs' Second Amended
17 Complaint.
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20 65. This Defendant denies Paragraph 65 of Plaintiffs' Second Amended
21 Complaint.
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24 66. This Defendant having insufficient information to either admit or
25 deny the remainder of the allegations contained in Paragraph 66 of Plaintiffs'
26 Second Amended Complaint, denies the same.
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1 67. This Defendant having insufficient information to either admit or
2 deny the remainder of the allegations contained in Paragraph 67 of Plaintiffs'
3 Second Amended Complaint, denies the same.
4
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6 68. This Defendant having insufficient information to either admit or
7 deny the remainder of the allegations contained in Paragraph 68 of Plaintiffs'
8 Second Amended Complaint, denies the same.
9
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11 69. This Defendant having insufficient information to either admit or
12 deny the remainder of the allegations contained in Paragraph 69 of Plaintiffs'
13 Second Amended Complaint, denies the same.
14
15

16 70. This Defendant having insufficient information to either admit or
17 deny the remainder of the allegations contained in Paragraph 70 of Plaintiffs'
18 Second Amended Complaint, denies the same.
19
20

21 71. This Defendant denies Paragraph 71 of Plaintiffs' Second Amended
22 Complaint.
23
24

25 72. This Defendant denies Paragraph 72 of Plaintiffs' Second Amended
Complaint.
26
27

28 73. This Defendant denies Paragraph 73 of Plaintiffs' Second Amended
Complaint.
29
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1 74. This Defendant denies Paragraph 74 of Plaintiffs' Second Amended
2 Complaint.
3

4 75. This Defendant denies Paragraph 75 of Plaintiffs' Second Amended
5 Complaint.
6

7 76. This Defendant denies Paragraph 76 of Plaintiffs' Second Amended
8 Complaint.
9

10 77. This Defendant denies Paragraph 77 of Plaintiffs' Second Amended
11 Complaint.
12

13 78. This Defendant denies Paragraph 78 of Plaintiffs' Second Amended
14 Complaint.
15

16 79. This Defendant denies Paragraph 79 of Plaintiffs' Second Amended
17 Complaint.
18

19 80. This Defendant denies Paragraph 80 of Plaintiffs' Second Amended
20 Complaint.
21

22 81. This Defendant denies Paragraph 81 of Plaintiffs' Second Amended
23 Complaint.
24

25 82. This Defendant denies Paragraph 82 of Plaintiffs' Second Amended
26 Complaint.
27

83. This Defendant denies Paragraph 83 of Plaintiffs' Second Amended Complaint.

84. This Defendant denies Paragraph 84 of Plaintiffs' Second Amended Complaint.

85. This Defendant denies Paragraph 85 of Plaintiffs' Second Amended Complaint.

86. This Defendant denies Paragraph 86 of Plaintiffs' Second Amended Complaint.

IV. STATUTORY COMPLIANCE

(This Paragraph should be Paragraph V and is a typographical error by Plaintiff)

87. This Defendant having insufficient information to either admit or deny the remainder of the allegations contained in Paragraph 87 of Plaintiffs' Second Amended Complaint, denies the same.

88. This Defendant having insufficient information to either admit or deny the remainder of the allegations contained in Paragraph 88 of Plaintiffs' Second Amended Complaint, denies the same.

V. FIRST CAUSE OF ACTION – 42 U.S.C. § 1983 – ALL DEFENDANTS

(This Paragraph should be Paragraph VI and is a typographical error by Plaintiff)

89. This Defendant denies Paragraph 89 of Plaintiffs' Second Amended Complaint.

90. This Defendant denies Paragraph 90 of Plaintiffs' Second Amended Complaint.

91. This Defendant denies Paragraph 91 of Plaintiffs' Second Amended Complaint.

92. This Defendant denies Paragraph 92 of Plaintiffs' Second Amended Complaint.

VI. SECOND CAUSE OF ACTION – NEGLIGENCE – ALL

DEFENDANTS

(This Paragraph should be Paragraph VII and is a typographical error by Plaintiff)

93. This Defendant denies Paragraph 93 of Plaintiffs' Second Amended Complaint.

94. This Defendant denies Paragraph 94 of Plaintiffs' Second Amended Complaint.

95. This Defendant denies Paragraph 95 of Plaintiffs' Second Amended Complaint.

1 **VII. PRAYER FOR RELIEF**
2

3 (This Paragraph should be Paragraph VIII and is a typographical error by
4 Plaintiff)
5

6 This Defendant denies Paragraphs 1 through 5 of Section VII, Prayer for
7 Relief, of Plaintiffs' Second Amended Complaint.
8

9 **VII. DEMAND FOR JURY TRIAL**
10

11 (This Paragraph should be Paragraph IX and is a typographical error by Plaintiff)
12

13 This Paragraph does not require a response from this Defendant. This
14 Defendant requests this case be tried by a jury pursuant to FRCP 38.
15

16 **AFFIRMATIVE DEFENSES**
17

18 By way of further Answer and Affirmative Defenses, this Defendant alleges as
19 follows:
20

21 **I.**
22

23 As a First Affirmative Defense, this Defendant alleges that the Plaintiff
24 fails to state a cause of action against this Defendant upon which relief may be
25 granted.
26

II.

As a Second Affirmative Defense, this Defendant alleges that Defendants Sharp and Aldrich are entitled to Qualified Immunity as to all claims asserted against them and all claims asserted against these Defendants are barred by the Qualified Immunity legal doctrine.

III.

As a Third Affirmative Defense, this Defendant alleges that Plaintiff has failed to mitigate his damages, if any.

IV.

As a Fourth Affirmative Defense, this Defendant alleges that the named Plaintiff-Decedent did not exercise the ordinary care, caution, or prudence to avoid the damages complained of in his Second Amended Complaint, and the damages complained of in Plaintiffs' Second Amended Complaint were solely and proximately caused by the negligence of the Plaintiff-Decedent.

V.

As a Fifth Affirmative Defense, this Defendant alleges that the sole and proximate cause of the damages complained of in Plaintiffs' Second Amended Complaint was the negligence and fault of parties over which this Defendant has no control.

1 VI.
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3

4 As a Sixth Affirmative Defense, this Defendant alleges that Decedent-
5 Plaintiff was injured/killed while under the influence of alcohol and/or drugs,
6 pursuant to RCW 5.40.060 et seq., which intoxication was a proximate cause of
7 the injuries/death of the Decedent-Plaintiff.

8 VII.
9

10 As a Seventh Affirmative Defense, this Defendant specifically reserves the
11 right to add additional affirmative defenses, empty chair defendants,
12 counterclaims, cross-claims, and third-party claims as they become known
13 through the process of discovery.

16 RESPECTFULLY SUBMITTED THIS 14th day of JUNE, 2024.
17

18 CARLSON & McMAHON, PLLC

19 By /s/ Patrick McMahon
20 PATRICK MCMAHON, WSBA #18809
21 Attorney for Defendants
22 715 Washington Street
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DEFENDANTS' ANSWER *and*
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CERTIFICATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on June 14, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of Washington using the CM/ECF system which will send notification of such filing to:

Nathan P. Roberts nroberts@connelly-law.com

Jackson R. Pahlke jpahlke@connelly-law.com

John Barto McEntire IV jmcentire@connelly-law.com

And I certify that I have mailed by United States Postal Service the foregoing to the following non CM/ECF participants:

Signed at Wenatchee, Washington on June 14, 2024.

/s/ Patrick McMahon
PATRICK MCMAHON, WSBA #18809